

G R S App F IX 4]
Previous References

✓
1942-

File No 64-42

Later References

(72)

Serial Nos 6, 7, 8, 11

GENERAL AND REVENUE SECRETARIAT

Serial Nos

from

Part B for ^{Feb} ~~Jan~~-43

SUBJECT

re the absence of Mr K S
Nagesha Rao, M.L.A., Bellary
from the M.L. meetings

To,

Mr D C Hassan

L 7297 dt 27/1/43

Issues cert an instruction
in the matter

Serial
No

Letter no ML C 1309/42 dated 14-10-4
from the Deputy Commissioner, BSN
BSN- Stating that one Mr K S. Nagesha
Rao an elected Municipal Councillor
of the Belur Minor Municipality has
left the place as he has secured an
appointment in the Mysore Sugar Co of
Mandya and soliciting instructions
as to whether the Municipal Council
can be disqualified from continuing
as such.

Mr. K S. Nagesha Rao an
elected member of the Belur Minor
Municipal Council has left the place
on having secured an appointment
in the Sugar Factory Mandya.

✓ Though he has left the place
the Councillor is unwilling to resign his
membership.

The D C. Hassan BSN has solicited
instructions as to whether he ^{can} ~~may~~
be disqualified from continuing as
such.

4 General disqualifications for
becoming a Councillor or from contin-
uing as such are indicated in

Serial
No

in Section 14 of the Mysore Municipal
Capacities Act 1933 -

5. It is pointed out under the Mysore
Sugarcane Company cannot perhaps be
considered as a person. Therefore, Mr. Nagappa
Rao cannot be disqualified on that
account. He will cease to be a
member if he absents himself
from the meetings of the municipal
Council during four successive
months. But it is possible
that he may retain his seat by
attending the meetings of the m.c.
just once in four months.

6. There is no doubt that
Mr. Nagappa Rao would not be able
to perform his duties as a member
being away from the place. But there
is no definite provision of law
to disqualify him on this ground. It
would perhaps be fair to the member
to resign his seat as he would be
unable to serve on the m.c. under
Section 14 of M.M. Act. The M.L.G. may
recommend to Govt. to remove him
as he has become incapable of

2421
2

Member of the Executive Committee - 6.

General and Revenue
Secretariat

ML File No

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of 1942

[App F III-2]

Serial
No

of performing his duties as a Member
of the said Section. It may per-
haps be requested to advise whether
of. Submitted for orders - - -
has of nothing but a sense of
duty for the electorate and proper
regards that Mr. Profesa has should
receive his seat as an elected member
of the Belur Municipality. He has
so far failed to do so.

10. The point now is as to whether the
existing bye-laws are sufficient to cover
this case. There are two clauses in
under the provisions of the said
Act 1933 as follows:-

(1) Under Sec 9 (2) (C), the
Member would become automatically
disqualified from continuing as such, if
he absents himself from four successive
meetings of the Council, except with the
permission of the Council to be exceeding
six months at any one time, even with
such permission. The best thing in
a case like this would be to allow
the above period to run completely
3 1/2 months are said to be over by 14.4.41

NOTE—Contn Sheet

u)

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Serial

No

(2) under sec 14 of the M M Act ^{to get} the M C may recommend his removal from membership in the ground of his having become incapable of performing his duties as a ^{member} ⁱⁿ ^{the} ^{company} ^{and} ^{the} ^{members} ^{be} ^{given} ^{an} ^{opportunity} ^{to} ^{show} ^{cause} ^{against} ^{making} ^{such} ^a ^{recommendation}

11 If the conditions referred to in sec 9 (2) of the M M Act are satisfied then the member automatically loses his seat. Perhaps that period is now over by this time. If this has happened, all the other parts referred to in the Dec. letter would be of academic interest and do not require to be considered at all at any rate. Employment in the Mysore Sugar Company cannot be construed to be employment under Govt, as it is a joint stock co.

12 The Secy. will be requested for information as to the period of absence of this member from the M C - with dates & number of meetings held up to the date of leaving a reply to this letter in the subject. That would perhaps settle the question for ever.

Law secy for
14/11/42 13/11/42



~~Mr. K. S. Nagesha Rao~~ continued as a member of the Belur Minor Municipal Council

4045-
General and Revenue
Secretariat

HL File No 64 2612 1/2 of 1942 4045/2 [App F, III-2]

Serial
No

15) Submitted with a draft letter to the
by Commr Hassan Dist -

15/11/42

16) Since

16/11/42

10

The D. C. Hassan dt 11-

no 24955-d 18-11-42

- Calls for certain information

Sur

23/11

+ brushed from
the file re to file for information
12/12/42

Letter no HL 242-1309/42 dated 3-11-42
from the Deputy-Commissioner Hassan
Dist - stating that Mr. K. S. Nagesha Rao
was absent for four ordinary
continuously

Flag - 21

Hence the question raised by
the need to be considered at all

12/11/42

17) As Mr Nagesha Rao has absented
himself from the meetings of the Belur Minor
Council during four successive months,
he has ceased to be a member of the
municipal council under Section 9(2)(c)
of the Mysore Minor Municipalities Act, 1933
Submitted with ref to para 12 supra

12/11/42

95/11/1

18) Since the member has
absented himself continuing
for four months from the meetings
of the M.C., his case falls under

NOTE-Contn Sheet

Sec 9 (2) (c) of the M. M. Act
if the M.C. has not passed him leave of absence
and he has become disqualified
from continuing as such the

By special provision of Mrs K-S. Nagesh Rao
to continue as a member of the Mysore Municipal
File No 6411 of 1942-43 General and Revenue
Secretariat

D.C. will be informed accordingly
since he seeks order in the
matter; reference 13/1/43
Lawsey L

14) May be informed
accordingly

16/1/43

4/1

2

27/1

Cus
13-1-43
17/1/43

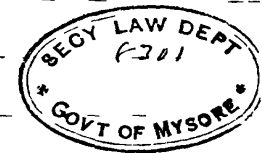
14/1

26/1/43

Cus

23/1/43

SP H
27/1/43



OFFICE OF	JTR
FOR L-S & P H	
Date	13/1/43
No	5389

Submitted with a draft letter
to the D.C. Hassan Dist.

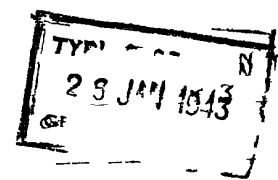
26/1/43

SS 26/1/43

The D.C. Hassan Dist

No L7297 d 27-1-43

Issues certain instructions



-B
15/1/43

No ML C 1309/42

Office of the Deputy Commissioner
Hassan District
Dated Hassan the 14th October 1942

ml 64-42-6

Mr KRS

From



N S Hirannayya Esq, M A

Deputy Commissioner Hassan District

C Narayanaswamy Naidu Esq, B A B I

Secretary to Government Law Department Bangalore

Sir

I have the honour to state that one Mr K S Nagesha Rao an elected Municipal Councillor of Belur Minor Municipality who is no more a resident of the place having secured a post in the Mysore Sugar Company at Mandya, has expressed his desire to continue in the Municipal Council and his unwillingness to resign his membership. He adds that he will make it convenient to attend the Municipal meetings as and when they are held if timely intimation of the meetings are sent to him. The President has reported that Mr Nagesha Rao has not attended the meetings for the last three months and a half and has solicited instructions as to whether the prayer of the applicant may be conceded or a re-election held to fill up his place in the Council.

In deciding the question of Mr Nagesha Rao's continuance as a member of the Council three points seem to be involved -

1 Whether he could adequately represent the electorate now that he is no longer a resident at the place

2 In view of his absence from monthly meetings so far whether he would be able to adequately safeguard the interests of his electorate now that he is not a resident in the ~~locality~~ place and is practically far away from it and is not likely to be well acquainted with the day to day conditions in the Municipality. One of the disqualifications for an elector becoming a Municipal Councillor is that he should not be a salaried servant of the Government. How far this rule can operate against the present councillor who is a servant of a quasi Government

Industrial concern has to be decided

As regards his absence for a period of 3½ months kind reference is invited to section 9(2)(c) of the Minor Municipal Act which disqualified a councillor from continuing as such should ~~he~~ he continue to be absent from meetings convened during 4 successive months. The period of Mr Jagdish Rao's absence falls short of the above period by 15 days. He is of course prepared to attend meetings if sufficient notice is given to him. How far he will be able to fulfil this is a matter for the future.

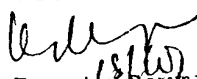
Under section 8 of the Minor Municipal Act every person who is eligible to be a voter under Section 7 shall be qualified to be elected as a councillor. This presupposes his continuance as a councillor depending upon his being a resident of the place for a period of not less than six months, prior to the date of election. From this it can be inferred that the absence of a municipal councillor for a period exceeding six months may amount to a disqualification. However this point is not made specific either in the Act or the Rules.

I may also add that as in the present case if the Municipal Councillor should technically be attending the Municipal meeting every time to avoid liability from being disqualified as a councillor he cannot be deemed to be fully alive to the needs of the electorate which he is expected to represent and ~~safeguard~~ safeguard on account of his absence from the place. His continuance in the council would only be a formality as he will be absolutely out of touch with the affairs of the Municipality.

I am therefore referring this matter under Section 9(4) of the Minor Municipal Act for orders of Government and issue of clear instructions.

A copy of letter addressed by Mr Jagdish Rao and a copy of the President's report are herewith enclosed for favour of information.

I have the honour to be
Sir
Your most obedient servant

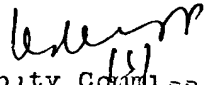

Deputy Commissioner
Hassan District


22-43 dated 23rd September 1942 from Mr. K. S. Nagesha Rao, M. C., Bellur, to the Deputy Commissioner Hassan District.

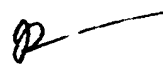
I beg to state that Mr. K. S. Nagesha Rao one of the elected councillor of this Municipality has been appointed in the Mysore Sugar Company at Mandya. He has requested that he may be allowed to retain his seat and that he will attend the meetings if informed before hand. His letter dated 21-9-1942 is also submitted for kind perusal.

Under the circumstances I beg to request whether this can be allowed or action may be taken for the purpose of re-election.

' COPY '


Deputy Commissioner
Hassan District

I S D

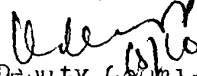


CC: 11-541942 From Mr K S Naganna Rao, Municipal Council, Belur
to the President Town Municipal Council, Belur

Many thanks for your To No 54/42-43 of the 17th instant

I very much dislike to resign the membership of the Home Town
Municipal Council and as you were kind enough to intimate to me the
date of meetings beforehand some months ago the same practice could
have been continued thus enabling me to attend the council meetings. But
I would request you to kindly allow me to retain my seat for I ~~would~~ be
failing in my duty to the electorate who so kindly reposed confidence
in me

An early reply will oblige

' COPY '

Deputy Commissioner
Hassan District

I S L

Signed by Mr L R Rao. | S. S. S.

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

()
the 194

Date of issue 18 // 42

Signed by Mr L. R. Rao.

List of enclosures

Copied by

Examined by

Section *Int*
File No *64-42*
Serial No *7*

No *L 4955*

To

The D C Hassan Dist
Sir,

With reference to your
letter no H. C. 1309/42 dated 10 / 1 / 42
Soliciting instructions as to
whether Mr K S Nagappa Rao an
elector member of the Belur Minor H. C.
bl who has secured an appoint-
ment in the Mysore Sugar Company
be allowed to
continue as a municipal
councillor, I am directed to
request you to kindly furnish
information as to the period of
absence of this member from the
and its work dates, and number

meetings held ^{during the period} up to the date of sending your
a reply to this letter and the number attended by him

I have Etc-

for

For Secy to Govt-

Law Dept-

4045

12

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 3rd January 43

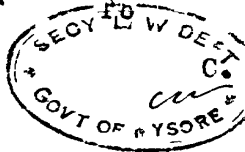
No: L C 1309/42

Rel 64-42-8

From

N S. Hirannayya, Esq , I.A ,

Deputy Commissioner, Hassan District

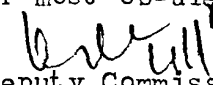


C. Narayanaswamy Naidu, Esq , I.A , I.L ,
Secretary to Government, Law Department,
Bangalore.

Sir,

Subject - Re the absence of Mr K S Nagesha Rao, Municipal
Councillor, Belur Municipality from the Municipal
Meeting

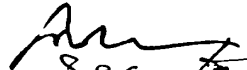
Adverting to your letter No L 4955/M1 64-42-7 dated 18th November 42
calling for certain particulars regarding the period of absence of the
above said member from the Municipal Council with the dates of such
meetings held, I have the honor to enclose herewith a copy of the
statement furnishing the required particulars received from the
President, Belur Municipal Council for kind information and orders
in the matter. It may be seen therefrom that the member was absent for
four ordinary meetings continuously

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Hassan District

as

of the rule of under Section 9(2)(c), of the Mysore
Minor Plantations Act-1933 ^{of the Mysore} ~~of the~~ ^{presumed that} ~~if the rule~~ ^{is}
has not granted him leave of absence ~~for~~ for the above period.

I have etc-


for Secy to Govt.
Law Dept-

pages 16